

Application/Control Number: 10/662,998
Art Unit: 2161

Page 6 of
14

REMARKS:

Claim Objections

1., 2., & 3.

The OA states "Claims 7, 15, and 23 are objected to because of the following informalities: The term spiderability is incorrectly spelled. Appropriate correction required." Applicant respectfully traverses this objection. The patent application on page 8 line 27 through page 9 line 6 states as follows:

The program 102 may also check that the home page of the Web site 103 has links, e.g. HTML hyperlinks, to the other Web pages in the Web site 103 and that the other Web pages have a link to the home page. When reviewing a Web site 103, search engines 101 are able to locate the different pages of the Web site through the links on the Web pages. Search engines 101 tend to rate Web sites 103 with multiple high quality Web pages higher, and thus rank them higher on the result list, than Web sites 103 with only one or a very few Web pages. Including the links on each Web page assist the search engines 101 in finding and evaluating the entire Web site 103. The ability of the different Web pages of a Web site 103 to be found by a search engine 101 in this manner is referred to as the spiderability of the Web site 103. The program 102 may assist the owner 104 of the Web site 103 in determining the spiderability of the Web site 103 and making or suggesting improvements to the Web site 103. (emphasis added)

The MPEP 2173.05 (a) I. THE MEANING OF EVERY TERM SHOULD BE APPARENT states:

The meaning of every term used in a claim should be apparent from the prior art or from the specification and drawings at the time the application is filed. Applicants need not confine themselves to the terminology used in the prior art, but are required to make clear and precise the terms that are used to define the invention whereby the metes and bounds of the claimed invention can be ascertained. During patent examination, the pending claims must be given the broadest reasonable interpretation consistent with the specification. In re Morris, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997); In re Prater, 415 F.2d 1393, 162 USPQ 541 (CCPA 1969). See also MPEP § 2111 - § 2111.01. When the specification states the meaning that a term in the claim is intended to have, the claim is examined using that meaning, in order to achieve a complete exploration of the applicant's invention and its relation to the prior art. In re Zletz, 893 F.2d 319, 13 USPQ2d 1320 (Fed. Cir. 1989).

Application/Control Number: 10/662,998
Art Unit: 2161

Page 7 of
14

As a preliminary matter, Applicant believes the word "spiderability" is correctly spelled in both the specification and the claims. However, even if "spiderability" is incorrectly spelled, the spelling of the word "spiderability" as used in the specification to define the term is consistent with the spelling of the word "spiderability" in claims 7, 15, and 23. Thus, the meaning of the term is apparent as defined by MPEP 2173.05(a)(I) and Applicant respectfully requests the withdrawal of the objection.

Claim Rejections – 35 USC § 112

4. & 5.

Claims 1, 9, & 17

The OA has rejected claims 1, 9, and 17 as being indefinite due to lack of antecedent basis for the limitation "the code". Applicant has removed this unnecessary limitation thereby mooting this rejection. Applicant respectfully requests the withdrawal of this rejection.

Claims 2, 10, & 18

The OA has rejected claims 2, 10, and 18 as being indefinite due to lack of antecedent basis for the limitation "the owner". Applicant has amended claims 2, 10, and 18 and respectfully requests the withdrawal of this rejection.

Claims 7, 15, & 23

The OA has rejected claims 7, 15, and 23 as being indefinite due to lack of antecedent basis for the limitation "the spiderability". Applicant has amended claims 7, 15, and 23 and respectfully requests the withdrawal of this rejection.

6.

Application/Control Number: 10/662,998
Art Unit: 2161

Page 8 of
14

The OA has rejected Claims 9 and 17 as being indefinite due to the use of the term "substantially". Applicant respectfully traverses this rejection and in support cites MPEP 2173.05 (b) as follows:

MPEP 2173.05(b)

D. "Substantially"

The term "substantially" is often used in conjunction with another term to describe a particular characteristic of the claimed invention. It is a broad term. *In re Nehrenberg*, 280 F.2d 161, 126 USPQ 383 (CCPA 1960). The court held that the limitation "to substantially increase the efficiency of the compound as a copper extractant" was definite in view of the general guidelines contained in the specification. *In re Mattison*, 509 F.2d 563, 184 USPQ 484 (CCPA 1975). The court held that the limitation "which produces substantially equal E and H plane illumination patterns" was definite because one of ordinary skill in the art would know what was meant by "substantially equal." *Andrew Corp. v. Gabriel Electronics*, 847 F.2d 819, 6 USPQ2d 2010 (Fed. Cir. 1988). (underlining added)

Due to MPEP 2173.05(b) and case law, applicant respectfully requests the withdrawal of this rejection.

Claim Rejections – 35 U.S.C. § 103

7. & 8.

The OA rejected claims 1-24 under 35 U.S.C. § 103(a) as being unpatentable over US Patent Application No. 20020035611 (hereafter Dooley) in view of US Patent Application No. 20040068460 (hereafter Feeley). Applicant respectfully traverses this rejection.

As a preliminary matter, applicant notes that Feeley was filed less than a year before the present patent application was filed and neither admits nor denies that Feeley is proper prior art under 35 U.S.C. § 102.

Application/Control Number: 10/662,998
Art Unit: 2161

Page 9 of
14

Claims 1, 9, & 17

The OA states “A) a program receiving access to review the code of a Web site ([0056], lines 36-40, Dooley)¹,” (emphasis added) However, the section cited in Dooley discloses including software code elements (such as Java applets) “within the website(s) design” ([0056], line 39, Dooley) (emphasis added). Thus, applicant respectfully submits that a program receiving access to review a Web site is not disclosed by Dooley.

The OA states “B) the program receiving one or more search phrases related to the Web site ([0046], lines 2-11, Dooley);”. (emphasis added) However, the section cited in Dooley discloses entering a search term into a search engine ([0046], lines 8-11, Dooley). The search engine in Dooley is not capable of performing steps A) thru F) (and in particular step C)) as cited in claims 1, 9, and 17 and thus cannot disclose the claimed limitation of a “program”. Please see Fig. 1 of the present invention illustrating the relationship and difference between a Program 102 and a Search Engine 101. Thus, applicant respectfully submits that the limitation of the program is not disclosed by Dooley’s disclosure of a search engine since Dooley’s search engine is not capable of performing steps A) thru F).

The OA states “C) the program receiving one or more selected search engines to submit the Web site to ([0050], lines 8-11, Dooley);”. (emphasis added) However, the section cited in Dooley discloses a user entering a search request into a search engine. Thus, applicant respectfully submits that entering a search term into a search engine (as taught by Dooley) does not disclose and is very different from the claimed limitation of a “program receiving . . . selected search engines to submit the Web site to”.

The OA states “G) the program submitting the Web site to the selected search engines ([0050]), lines 12-18, Dooley)²”. However, the section cited in Dooley discloses a search engine identifying relevant websites that have been registered with or located by the search engine. Thus, applicant respectfully submits that a “submitting the Web site to the selected search engines” is not disclosed by Dooley’s disclosure of a search engine finding registered websites.

Application/Control Number: 10/662,998
Art Unit: 2161

Page 10 of
14

The OA states “D) the program determining the ranking methodologies used by the selected search engines ([0023], lines 15-22, Feeley)”. (emphasis added) However, the section cited in Feeley does not disclose “the program” of step D) for determining the ranking methodologies used which “program” must also be capable of performing steps A) thru F) as stated in claims 1, 9, and 17.

The OA states “F) the program automatically editing the code of the Web site to increase the expected traffic flow to the Web site from the selected search engines ([0027], lines 1-9, Feeley)⁵”. [Note: “the code of” has been deleted in currently amended claims 1, 9, and 17.] However, the section cited in Feeley discloses adjusting bid amounts for keywords that affect a web site’s ranking in bid-for-position search engines. Applicant respectfully submits that adjusting bid amounts (which are not part of the Web site), thereby adjusting a web site’s ranking with search engines, does not disclose the claimed limitation of “editing the Web site” as stated in currently amended claims 1, 9, and 17.

The OA states “A skilled artisan would have been motivated to combine as suggested by Feeley at paragraph [0029], lines 1-8, in order to provide a convenient way for advertisers to maximize qualified consumer traffic to their web sites, and for search engines to increase their revenue stream.”

MPEP 2143.01 Suggestion or Motivation to Modify the References VI. states in part “If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)”.

MPEP 2143.02 Reasonable Expectation of Success Is Required states in part “The prior art can be modified or combined to reject claims as *prima facie* obvious as long as there is a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

However, Feeley *inter alia* teaches increasing traffic to a web site by adjusting bid amounts for various keywords with bid-for-position search engines. In contrast, Dooley *inter alia* teaches increasing traffic to a web site by creating an “information network” that includes a plurality of

Application/Control Number: 10/662,998
Art Unit: 2161

Page 11 of
14

linked websites. The methods of operation for Feeley and Dooley are very different. Thus, applicant respectfully submits that it is improper to take several elements disclosed in Dooley and combine them with several elements disclosed in Feeley in an attempt to create applicant's claimed invention for four reasons.

First, and maybe most importantly, the combination of Feeley and Dooley does not disclose each and every element in claims 1, 9, and 17 as shown above.

Second, the combination would require either Feeley or Dooley (or both) to change its principle of operation since they teach very different methods for increasing traffic to a web site.

Third, there is no reasonable expectation of success in combining several features of Feeley (used *inter alia* to manage bid amounts for keywords with bid-for-position search engines) with several features of Dooley (used *inter alia* to create an information network on the Internet) to create the invention disclosed in the present patent application.

And fourth, the references actually teach away from each other. Specifically, Dooley in describing the problems with the prior art at [0010], lines 6-9 states "[s]ome website owners simply chose to pay a fee to a third party vendor of Internet traffic in order to drive traffic to their site(s), often a relatively high cost." This negative comment is a general description of the teachings of Feeley. Dooley also states at [0017], lines 27-30 "[i]t is yet another technical advantage of the present invention to increase the potential of obtaining high volume Internet traffic without requiring conventional branding, advertising, or promotional methods to drive traffic into the network." Thus, while Dooley recognizes the importance of obtaining high rankings with search engines, it does not suggest using the methods disclosed by Feeley. In fact, Dooley teaches using its method instead of (and not in combination with) the methods taught by Feeley.

For all of the above reasons, any one of which is sufficient to justify allowance of claims 1, 9, and 17, applicant respectfully requests the withdrawal of the rejections and the earliest possible allowance of claims 1, 9, and 17.

Claims 2, 10, and 18

Application/Control Number: 10/662,998
Art Unit: 2161

Page 12 of
14

As a preliminary matter, claims 2, 10, and 18 depend respectively on claims 1, 9, and 17. Since applicant believes claims 1, 9, and 17 are allowable for the reasons stated above, applicant respectfully requests that claims 2, 10, and 18 be allowed.

The OA states "Regarding Claims 2, 10, and 18, the combination of Dooley in view of Feeley, disclose the process further including the step of listing suggested edits for the owner to manually edit the code of the Web site ([0028], lines 1-11, Feeley)". [Note: claims 2, 10, and 18 have been currently amended] However, the section cited in Feeley discloses entering into an account web page a "Desired Position" for a keyword search result with a search engine. Applicant respectfully submits entering a "Desired Position" into an account web page (which is not part of the Web site) thereby adjusting the Web site's ranking with search engines does not disclose the claimed limitation of "editing the Web site" as stated in currently amended claims 2, 10, and 18.

The OA states "Regarding Claims 3, 11, and 19, the combination of Dooley in view of Feeley, disclose the process wherein the program resides on a third party server ([0041], lines 3-7, Dooley) accessible by an owner of the Web site ([0010], lines 6-8, Dooley)." (emphasis added) However, neither reference discloses a "program" capable of performing all the limitations in the respective independent claims of 1, 9, and 17.

The OA states "Regarding Claims 4, 12, and 20, the combination of Dooley in view of Feeley, disclose the process wherein the program resides on a personal computer ([0050], lines 5-8, Dooley) accessible by an owner of the Web site ([10], lines 6-8, Dooley)." However, Dooley does not disclose a "program" capable of performing steps A) thru F) and thus cannot disclose the limitation of a "program" in claims 4, 12, and 20.

The OA states "Regarding Claims 5, 13, and 21, the combination of Dooley in view of Feeley, disclose the process wherein the search phrases are entered by an owner of the Web site ([0025], lines 2-10, Feeley)⁸ and further comprising the step of the program determining additional search phrases ([0025], lines 10-14, Feeley)." However, the sections cited in Feeley do not disclose a "program determining additional search phrases". In fact, [0023], lines 3-4 in Feeley

Application/Control Number: 10/662,998
Art Unit: 2161

Page 13 of
14

state "Search engine web page 18 includes a text box 34 in which a client may enter a search keyword or string of keywords". (emphasis added)

The OA states "Regarding Claims 6, 14, and 22, the combination of Dooley in view of Feeley, disclose the process wherein the search phrases are entered by an owner of the Web site ([0025], lines 2-10, Feeley) and further comprising the step of receiving additional search phrases from a search phrase suggestion tool ([0025], lines 14-18, Feeley)". In addition, footnote 9 states: "The suggestion tool corresponds to multiplying the bid amount by the adjusted ratio, which results in an estimated bid amount." However, the limitation in the claim is "a search phrase suggestion tool", not a "suggestion tool". While the section cited in Feeley may disclose a bid amount suggestion tool, it does not disclose a search phrase suggestion tool.

The OA states "Regarding Claims 7, 15, and 23, the combination of Dooley in view of Feeley, disclose the process wherein the analyzing the Web site includes checking the spiderability of the Web site ([0024], lines 8-13, Feeley)." However, the section cited in Feeley discloses using a spider program to automatically retrieve bid data from bid-for-position search engines. In contrast, claims 7, 15, and 23, include the limitation of checking the "spiderability of the Web site". Thus, determining bid data (even if a spider software program was used) does not disclose "checking the spiderability of the Web site". (emphasis added)

The OA states "Regarding Claims 8, 16, and 24, the combination of Dooley in view of Feeley, disclose the process wherein the analyzing the Web site step includes checking for search engine parsing problems in the Web site ([0048], lines 1-9, Dooley)."

Conclusion

All claims currently present in this application are believed allowable over all of the art of record and prompt further examination of the application and its allowance are respectfully requested.

Application/Control Number: 10/662,998
Art Unit: 2161

Page 14 of
14

Any questions or suggestions regarding the application or the amended claims submitted herewith should be directed to the undersigned attorneys for applicant at the telephone number listed below or by email to the email address listed below.

Respectfully submitted,

The Go Daddy Group, Inc.

Date: 5/15/2006

/Stewart J. Womack/ Reg.# 45,230
Stewart J. Womack
Attorney for Applicant

The Go Daddy Group, Inc.
14455 N. Hayden Road, Suite 219
Scottsdale, AZ 85260
480.505.8832